

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 1-22 and 26-30, which are pending in the above-identified application. Claims 1-22 stand rejected, and claims 23-25 stand cancelled. In this paper, claim 15 is currently amended, claims 1, 5, 7-8, 12-14, 16-21, and 26-30 are previously presented, claims 23-25 are canceled, and claims 23-25 are canceled. No new matter has been added. In view of the following discussion, Applicant submits that all pending claims are in condition for allowance.

Rejection Under 35 U.S.C. § 103:

Claims 1, 3, 8, 15, 16, 18, 20, and 26-30 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Pei (U.S. Patent no. 5,406,620, hereafter Pei) in view of Alston et al. (U.S. Patent No. 7,376,126, hereafter Alston).

Claim 1 recites the feature “assigning to each of the more than one communications carrier in said network a particular port within said one originating gateway, each assigned particular port being different from each other”. Applicant respectfully contends that the prior art does not disclose this feature. Claims 8 and 16 recite similar features, are patentable for the same reasons as claim 1, and are thus not discussed separately in this section.

On page 3, the OA admits that Pei does not disclose the allocation of a plurality of ports to the plurality of respective carriers, and supplies Alston to show this claim feature. Applicant contends that Alston also does not disclose this feature. The OA presents passages of Alston at col. 3, lines 17-18 and col. 10, lines 5-7 as disclosing the above-quoted feature of claim 1. Alston discloses two alternative embodiments in the following:

the broadband gateway has individual ports assigned to each of a plurality of messaging devices. Alternatively, each of a plurality of messaging devices comprises a unique address. As a result, terminal-messaging devices could be placed at multiple locations in a premises, such as a house or office, so that a message could be sent to a particular device or user without being routed to each device or user in the premises. In addition, using a unique IP address for each terminal device in a premises allows the use of only one premises broadband gateway. See col. 10, lines 5-12 (emphasis added).

To briefly summarize the above, Alston discloses a broadband gateway (which is really an ADSL modem – see col. 8, line 30) in which one embodiment associates one port with a plurality of devices that all have the same address; and a second embodiment in which each device has a unique address. Applicant notes that Alston never states that the second embodiment allocates a separate port on the gateway for each device.

In the above embodiment that is most favorable to the Examiner's position, each of the plurality of devices at a premises has a different *address*. The stated benefit of this configuration is that a message could be sent to one device without necessarily being sent to the other devices in communication with the gateway. Thus, for example, a particular message could be sent to a handheld wireless device, but bypass a personal computer, which are both located within the same premises. See col. 10, lines 10-12. Below, Applicant presents two distinctions between the features of claim 1 and the disclosure of Alston.

First, at most, Alston states that a plurality of *devices* have unique addresses. This falls far short of the claim 1 feature of a particular port for “each of the more than one *communications carrier*”. Applicant contends that it is well known that a communications carrier is a company that supplies telecommunication services. In contrast, the “devices” referred to in Alston are end-user devices that consume telecommunication services, such as telephones 220 and 260 (see col. 10, line 21) and personal computer 240 (see col. 10, lines 31-32). Accordingly, the *devices* of Alston do not correspond to the *carriers* of claim 1. Thus, the proposed combination of prior art does not disclose all of the features of claims 1, 8, or 16.

Second, Alston discloses a first embodiment in which the various devices connected to a particular gateway have different addresses and a second embodiment in which the devices have separate or “unique” addresses. Thus, the distinction between the two embodiments disclosed in Alston resides in the *addresses* allocated to the devices, not in the provision of additional ports for the gateway device. Alston says nothing about the structure or configuration of the gateway being different in the two disclosed embodiments, and further does not disclose that the gateway in the second embodiment includes a plurality of ports that are allocated to a plurality of respective devices. Accordingly, Alston does not disclose the claim 1 feature of “each assigned particular port being different from each other”.

Claim 15 recites the feature “means for performing accounting for said incoming calls by a third party entity located remotely from the receiver at the gateway”. The prior art does not disclose this feature. At the bottom of page 3, the OA presents Alston as disclosing this feature, citing to col. 6, lines 30-34 thereof. In the cited passage, Alston discloses that the application server 50 (see Figure 1), upon receiving a message, conducts Authentication, Authorization, and Accounting (AAA) on incoming messages. Thus, in Alston, the application server 50 is the receiver of the message and performs accounting on the message. However, in contrast, claim 15 requires that the accounting be conducted by a *third party entity located remotely from the receiver* at the gateway. Thus, Alston does not disclose the pertinent feature of claim 15. Claim 15 is therefore patentable over Pei in view of Alston.

Claim 26 recites the feature “evaluating a call characteristic of the incoming call to determine whether or not authentication, accounting, and/or authorization (“AAA”) functions were already performed on the incoming call.” The prior art does not disclose this feature. The OA presents the passage of Alston at col. 6, lines 30-34 and the same sections of Pei used for claim 1, to reject claim 26. Applicant compares the respective sections of Pei and Alston to claim 26 below.

Pei is silent with respect to evaluating an incoming call to determine whether AAA functions have already been performed on the call. Turning to Alston, the passage at col. 6, lines 30-34 recites that the application server 50 comprises an AAA server. More specifically, this passage in Alston recites that the application server 50 perform the AAA functions upon receiving a message 42. However, Alston is completely silent regarding the above-quoted evaluation step of claim 26. More generally, Alston does not recite any condition that needs to be satisfied for the AAA application server 50 to perform the AAA functions. Accordingly, the combination of Pei and Alston do not disclose all the features of claim 26.

Based on the foregoing, independent claims 1, 8, 15, 16, and 26 are patentable over Pei in view of Alston. Dependent claims 3, 18, 20 and 27-30 are patentable by virtue of their dependency on their respective independent claims.

Rejection Under 35 U.S.C. § 103:

Claims 2, 4, 7, 9, 11-14, 17, 19, and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pei in view of Alston further in view of Elliott (U.S. Publication No. 2008/0025295, hereafter Elliott).

Claim 21 is recited in the claims section above. Applicant respectfully acknowledges the Examiner's concession on page 4 of the Office Action that the combination of Pei and Alston do not disclose or suggest the use of an "IVR" as recited.

Applicant submits that Elliott does not disclose or suggest conveying a different script depending upon an identifier associated with a call associated with said calling apparatus, and operating to contact at least one of plural servers upon receipt of the call, the at least one server being selected based upon said identifier as recited in claim 21 of the instant application. Elliott merely discloses a network IVR 654 that can communicate with soft switch 204 via an IPDC protocol. (See [0399] of Elliott.) Elliott is silent regarding the structure and functionality of conveying different scripts based upon an identifier associated with a call of a calling apparatus as claimed. As such, Elliott does not cure the aforementioned deficiency of Pei and Alston, and the teachings of the combination of Pei, Alston, and Elliott, alone or in combination, do not result in claim 21 of the instant application. As claim 22 depends from claim 21, and recites additional patentable features, the subject dependent claim is, therefore, likewise patentable.

Applicant has shown that independent claims 1, 8, 15 disclose features not disclosed in Pei or Alston. Moreover, Elliott does not cure the deficiencies. Accordingly, claims 1, 8, and 15 are patentable over Pei in view of Alston and Elliott. Dependent claims 2, 4, 7, 9, 11-14, 17, 19 depend from the above-listed independent claims and are patentable over the proffered combination of prior art for the same reasons as their respective independent claims. Accordingly, reconsideration is respectfully requested.

Conclusion:

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. The fee for the one-month extension of time is included herewith. In the event that there are any additional fees due and owing in connection with this matter, please charge same, or credit any overpayment to, to our Deposit Account No. 50-4711.

Dated: June 16, 2010

Respectfully submitted,

By: s/Leslie S. Garmaise/
Leslie S. Garmaise
Registration No. 47,587
KAPLAN GILMAN & PERGAMENT LLP
1480 Route 9 North, Suite 204
Woodbridge, New Jersey 07095
Telephone 732-636-4500
Attorneys for Applicant